

Department of Land Conservation and Development

1175 COURT STREET N.E., SALEM, OREGON 97310-0590 PHONE (503) 378-4926

M E M O R A N D U M

May 13, 1986

TO: Interested Parties
FROM: James F. Ross, Director 
SUBJECT: NEW AND PROPOSED RULES

Enclosed are three newly adopted administrative rules and one proposed administrative rule. These include the following:

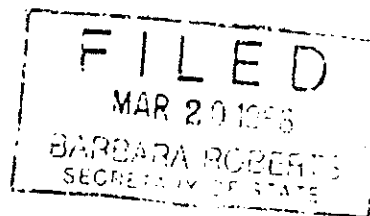
- Adopted amendments to the exceptions process rule regarding plan and zone changes to acknowledged exception areas (OAR 660-04-018);
- Adopted amendments to the "Agricultural lands" goal (OAR 660, Division 5);
- Adoption of the Attorney General's Model Rules of Procedure (OAR 660-01-007); and
- A proposed new rule regarding industrial and commercial development planning (OAR 660, Division 9).

Each rule includes a memorandum which explains the recent or proposed amendments.

A public hearing will be held by the Land Conservation and Development Commission on the proposed industrial and commercial development rule on June 5, 1986 in Hearing Room "E" of the State Capitol in Salem. The Commission meeting begins at 8:30 a.m. Notice of this hearing is enclosed with this proposed rule.

If you have any questions, please contact Ronald Eber at 378-5454.

RE:kj
83780/10B



OAR 660-04-018 Planning and Zoning for Exception Areas

(1) Purpose. This rule explains the requirements for adoption of plan and zone designations for exception areas. Exceptions to one goal or a portion of one goal do not relieve a jurisdiction from remaining goal requirements and do not authorize uses or activities other than those recognized or justified by the applicable exception. Physically developed and irrevocably committed exceptions under OAR 660-04-025 and 028 are intended to recognize and allow continuation of existing types of development in the exception area. Adoption of plan and zoning provisions which would allow changes in existing types of uses requires application of standards outlined in this rule.

(2) "Physically Developed" and "Irrevocably Committed" Exceptions to goals other than Goals 11 and 14.

Plan and zone designations shall limit uses to:

(a) Uses which are the same as the existing types of land use on the exception site; or

(b) Rural uses which meet the following requirements:

(A) The rural uses are consistent with all other applicable Goal requirements; and

(B) The rural uses will not commit adjacent or nearby resource land to nonresource use as defined in OAR 660-04-028; and

(C) The rural uses are compatible with adjacent or nearby resource uses.

(c) Changes to plan or zone designations are allowed consistently with subsections (a) or (b) of this section, or where the uses or zones are identified and authorized by specific related policies contained in the acknowledged plan.

(d) Uses not meeting the above requirements may be approved only under provisions for a reasons exception as outlined in 660-04-020 through 022.

(3) "Reasons" Exceptions.

(a) When a local government takes an exception under the "Reasons" section of ORS 197.732(1)(c) and OAR 660-04-020 through 022, plan and zone designations must limit the uses and activities to only those of uses and activities which are justified in the exception.

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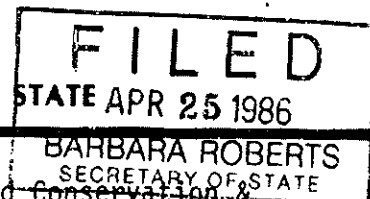
(b) When a local government changes the types or intensities of uses within an exception area approved as a "Reasons" exception, a new "Reasons" exception is required.

(4) Applicability of OAR 660-04-018. This rule applies only to plan and zoning designations and exceptions adopted by local government following the effective date of this rule.

DB:sp

7757D/26C

CERTIFICATE AND ORDER
for
FILING ADMINISTRATIVE RULES WITH THE SECRETARY OF STATE



I HEREBY CERTIFY that the attached copy is a true, full and correct copy of rule(s) adopted by the Land Conservation & Development Commission on April 24, 1986 to become effective upon filing
(Agency) (Date)

The within matter having come before the Land Conservation & Development Commission after
(Agency)

all procedures having been in the required form and conducted in accordance with applicable statutes and rules and being fully advised in the premises:

Notice of Intended Action published in OAR Bulletin: NO ☒ YES ☐ Date Published: N/A

NOW THEREFORE, IT IS HEREBY ORDERED THAT the following action be taken:
(List Rule Number(s) or Rule Title(s) on Appropriate Lines Below)

PERM. ☒ or TEMP. ☐

Adopted:
(New Rules)

Amended:
(Existing Rules)

OAR 660-01-005 (AG Model Rules)

Suspended:
(Temporary Only)

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LEGISLATIVE COUNSEL'S
OFFICE

Repealed:
(Existing Rules)

as Administrative Rules of the Land Conservation and Development Commission
(Agency)

DATED this 25th day of April, 19 86

By: [Signature]
(Authorized Signer)
Title: Director

Statutory Authority: ORS 197.040 and ORS 183.341

Subject Matter: Adoption of Attorney General's Model and Uniform Rules and Procedures
under the Administrative Procedures Act.

Statement of Need Attached: ☐ n/a

Fiscal Impact Attached: ☐ n/a

For Further Information Contact: Ronald Eber, Legal Policy Specialist Phone: 378-5454

BEFORE THE
LAND CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF OREGON

IN THE MATTER OF ADOPTION	)	FINAL RULE
OF THE ATTORNEY GENERAL'S	)	OAR 660-01-005
MODEL RULE OF PROCEDURE	)	

660-01-005 Pursuant to the provisions of ORS 183.341, the Land Conservation and Development Commission adopts the Attorney General's Model Rules and Uniform Rules of Procedure under the Administrative Procedures Act, [effective September 26, 1983, except for OAR 137-03-092, "Request for Stay - Agency Determination."] dated January 27, 1986, except for OAR 137-03-007 "Requests by Agencies to Participate as a Party or an Interested Agency," and OAR 137-03-093 regarding the amount of time required to act on a stay request.

RE:sp
8041D/178C